

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION

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| In re: MICHAEL K. HERRON, Debtor. WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR BANC OF AMERICA ALTERNATIVE LOAN TRUST 2005-11 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-11, Objecting Party v. MICHAEL K. HERRON, Respondent. | Bankruptcy 19-24527-TPA Chapter 11 Related to Doc. No. 92 |
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OBJECTION TO CONFIRMATION OF DEBTOR'S AMENDED CHAPTER 11 PLAN

COMES NOW, WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR BANC OF AMERICA ALTERNATIVE LOAN TRUST 2005-11 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-11 ("Secured Creditor"), by and through its undersigned attorney, hereby objects to Debtor's Amended Chapter 11 Plan (DE# 92) and states as follows:

1. Debtor, Michael K. Herron ("Debtor"), filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code on November 21, 2019.

2. Secured Creditor holds a first lien security interest in the Debtor's real property located at 340 Roup Avenue, Pittsburgh, PA 15232 (the "Property"), by virtue of a Mortgage recorded on October 07, 2005 under Instrument Number 2005-123069 of the Allegheny County, PA. Said Mortgage secures a Note in the amount of \$133,000.00.
3. Secured Creditor filed Proof of Claim of 12-1 on February 27, 2020, asserting a total claim of \$200,992.24, with pre-petition arrears in the amount of \$108,076.93.
4. On May 26, 2020, Debtor filed an Amended Chapter 11 Plan (the "Plan").
5. The Plan fails to specifically identify Secured Creditor's claim nor does it specify any proposed treatment. Secured Creditor requests that the Debtor provides more specific mention and treatment of Secured Creditor's claim.
6. The Plan fails to provide adequate information within meaning of 11 USC 1125(a)(1) to allow Secured Creditor the opportunity to understand the proposed treatment of its claim in the Plan.
7. Secured Creditor further contends that the interest rate should be subject to interest pursuant to the Supreme Court's decision in *Till v. SCS Credit Corp.*, 124 S. Ct. 1951 (2004).
8. This objection constitutes rejection or non-acceptance of Debtor's Chapter 11 Plan pursuant to 11 U.S.C. §1126(a).

9. Secured Creditor reserves the right to amend and/or supplement this objection as needed and/or in response to any additional filings by the Debtor.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Robertson, Anschutz, Schneid & Crane, LLC.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 20, 2020, the foregoing Stipulation Resolving Adversary Complaint was electronically filed with the Clerk of Court using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

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Robertson, Anschutz, Schneid & Crane, LLC.

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